

R E M A R K S

By this Amendment the specification has been amended to improve its presentation, claim 1 has been amended to include the feature of claim 5 (now canceled), and claims 2-4 and 6-10 have been amended to improve their presentations. Entry is in order.

The examiner will find attached hereto a supplemental page 10 for this application containing an abstract of the disclosure.

In the outstanding Office Action the examiner has rejected claims 1-10 under the judicially created doctrine of obviousness-type double patenting over claims 1-5 of U.S. Patent No. 7,616,773 (Tipsmark et al.)

This rejection is incorrect. Tipsmark et al. disclose a communication device which includes a casing made of fibre-reinforced polymer. However, there is no mention of the E-module of the fibre-reinforced polymer used, and this is critical to the present invention.

The examiner has rejected claims 1-10 under 35 U.S.C. 103(a) as being unpatentable over Yoneta et al.

The applicants assert that this rejection is without merit.

Yoneta et al. disclose a polyester resin composition which includes a specific aromatic polyester and up to 95 wt% of an inorganic filter such as glass fibers. The composition can be used to make molded articles in a long list of devices, including hearing aids (col. 9, line 34). However, there is no disclosure of the composition containing 30 to 75 wt% of fibers, or any reference to the E-modulus thereof. These aspects of the

parts of the communication device of the present invention are critical, as discussed on pages 2 and 3 of the present application.

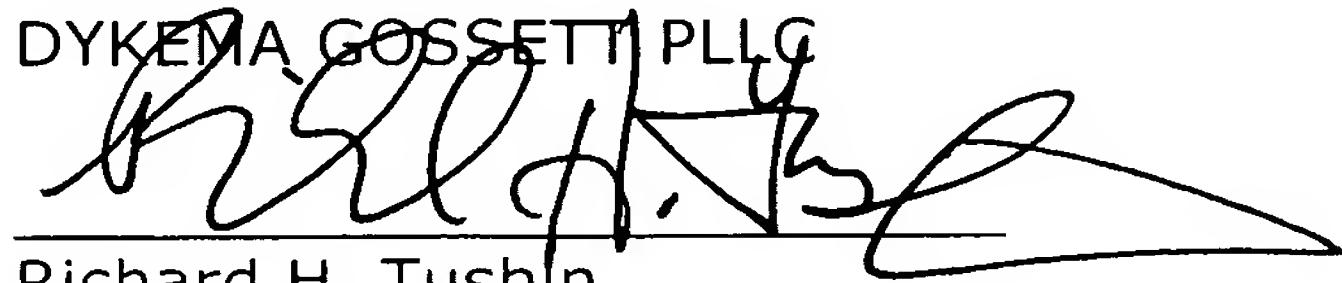
Although Yoneta et al. is a relevant document, it fails to suggest the present claims.

Favorable reevaluation is requested.

Respectfully submitted,

DYKEMA GOOSSETT PLLC

By:


Richard H. Tushin
Registration No. 27,297
Franklin Square, Third Floor West
1300 I Street, N.W.
Washington, DC 20005-3353
(202) 906-8680

A communication device having casing parts which enclose a microphone and a receiver and suspension points, as well as a sound canal from the receiver to a user's ear, at least one of the casing parts being made of an injection moulded, fibre-reinforced polymer compound which includes 30 to 75 wt% of fibre and has an E-module of more than 13MPa.